PETITION FOR VARIANCE SE/S Lakeside Blvd., 350' E of Owings Mills Blvd., N/S of Lyons \* DEPUTY ZONING COMMISSIONER Mill Rd., approx. 1100' W of \* OF BALTIMORE COUNTY Painters Mill Road (Village of Painters Mill, Sec. 3) \* Case No. 96-448-A Lyons Mill Associates Ltd. Part., Continental Realty Investors Corp., G.P. - Petitioners \* \* \* \* \* \* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as Village of Painters Mill, Section 3 thereof, located on the southeast side of Lakeside Boulevard between Owings Mills Boulevard and Painters Mill Road in Owings Mills. The Petition was filed by the owners of the property, the Lyons Mill Associates Limited Partnership, by John A. Luetkemeyer, Jr., President, Continental Realty Investors Corporation, a General Partner, through their attorney, Robert A. Hoffman, Esquire. The Petitioners seek variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) and the Comprehensive Manual of Development Policies (C.M.D.P.) as follows: 1) from Section 1B01.2.C.3 of the B.C.Z.R. and Section V.B.9 of the C.M.D.P., pursuant to Section 504 of the B.C.Z.R., to permit a distance from side building face to existing public street right-of-way of as little as 23 feet in lieu of the required 25 feet for Lot 77, if necessary; 2) from Section V.B.6.b of the C.M.D.P., pursuant to Section 504 of the B.C.Z.R., to permit a window to lot line setback of as little as 10 feet in lieu of the required 15 feet for Lots 6, 7, 13, 14, 27, 33, 34, 40, 45, 46, 53, 58, 59, 65, 66, 71, 72, 77, 78, 83, 84, 89, 90, 94, 95, 101, 106, 107, 112, 113, 120, 126, 127, 134, 135, 141, 142 and 149; 3) from Section 1B01.2.C.2.b of the B.C.Z.R. and Section V.B.6.c of the C.M.D.P., pursuant to Section 504 of the B.C.Z.R., to permit

the B.C.Z.R., to permit a window to lot line setback of as little as 10 feet in lieu of the required 15 feet for Lots 6, 7, 13, 14, 27, 33, 34, 40, 45, 46, 53, 58, 59, 65, 66, 71, 72, 77, 78, 83, 84, 89, 90, 94, 95, 101, 106, 107, 112, 113, 120, 126, 127, 134, 135, 141, 142 and 149; 3) from Section 1B01.2.C.2.b of the B.C.Z.R. and Section V.B.6.c of the C.M.D.P., pursuant to Section 504 of the B.C.Z.R., to permit a window to window setback of as little as 25 feet in lieu of the required 40 feet for Lots 6, 7, 13, 14, 27, 28, 33, 34, 39, 40, 45, 46, 52, 53, 58, 59, 65, 66, 71, 72, 83, 84, 89, 90, 94, 95, 100, 101, 106, 107, 112, 113, 126, 127, 141, and 142, if necessary; 4) from Section V.B.6.d of the C.M.D.P., pursuant to Section 504 of the B.C.Z.R., to permit a front bay window to street rightof-way setback of as little as 11 feet in lieu of the required 13 feet for Lots 13, 20, 33, 47, 60, 65, 94, 114, 119, 121, 126, 127, 136, 141 and 142, if necessary; 5) from Section V.B.6.a of the C.M.D.P., pursuant to Section 504 of the B.C.Z.R., to permit a side window to street right-of-way setback of as little as 19 feet in lieu of the required 25 feet for Lots 19, 20, 77, 78, 119 and 135, if necessary; and, 6) from Section 1B01.2.C.1 of the B.C.Z.R., and Section V.B.3 of the C.M.D.P., pursuant to Section 504 of the B.C.Z.R., to permit a building to building setback of as little as 25 feet in lieu of the required 30 feet for building heights between 25 feet and 30 feet for Lots 13, 14, 33, 34, 39, 40, 45, 46, 52, 53, 58, 59, 65, 66, 71, 72, 83, 84, 89, 90, 94, 95, 112, 113, 126, 127, 141 and 142, in accordance with Petitioner's Exhibits 2A and 2B, be and is hereby GRANTED, subject to the following restriction:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order

a window to window setback of as little as 25 feet in lieu of the required 40 feet for Lots 6, 7, 13, 14, 27, 28, 33, 34, 39, 40, 45, 46, 52, 53, 58, 59, 65, 66, 71, 72, 83, 84, 89, 90, 94, 95, 100, 101, 106, 107, 112, 113, 126, 127, 141, and 142, if necessary; 4) from Section V.B.6.d of the C.M.D.P., pursuant to Section 504 of the B.C.Z.R., to permit a front bay window to street right-of-way setback of as little as 11 feet in lieu of the required 13 feet for Lots 13, 20, 33, 47, 60, 65, 94, 114, 119, 121, 126, 127, 136, 141 and 142, if necessary; 5) from Section V.B.6.a of the C.M.D.P., pursuant to Section 504 of the B.C.Z.R., to permit a side window to street right-of-way setback of as little as 19 feet in lieu of the required 25 feet for Lots 19, 20, 77, 78, 119 and 135, if necessary; and, 6) from Section 1801.2.C.1 of the B.C.Z.R., and Section V.B.3 of the C.M.D.P., pursuant to Section 504 of the B.C.Z.R., to permit a building to building setback of as little as 25 feet in lieu of the required 30 feet for building heights between 25 feet and 30 feet for Lots 13, 14, 33, 34, 39, 40, 45, 46, 52, 53, 58, 59, 65, 66, 71, 72, 83, 84, 89, 90, 94, 95, 112, 113, 126, 127, 141 and 142. The subject property and relief requested are more particularly described on the Revised Zoning Variance Request form marked as Petitioner's Exhibit 1, and the two-page site plan submitted and marked into evidence as Petitioner's Exhibits 2A and 2B.

Appearing at the hearing on behalf of the Petition were Steven Koren, a representative of Lyons Mills Associates Limited Partnership, property owners, Mark E. Pewsi and Tom Repsher, representatives of Daft-McCune-Walker, Inc., the engineering/architectural firm which prepared the site plan for this property, and Robert A. Hoffman, Esquire, attorney for the Petitioners. There were no Protestants at the hearing.

> has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

> > Deputy Zoning Commissioner

for Baltimore County

acres, more or less, zoned D.R. 16 and is proposed for development with 149 townhouse units. The subject development received CRG approval in April 1986, and therefore, is bound by the old C.M.D.P. standards as to the design and spacing of the proposed dwellings. Testimony revealed, however, that the Petitioners wish to construct these homes in accordance with present C.M.D.P. standards which would permit the new design and layout of these homes as set forth on Petitioner's Exhibits 2A and 2B. Therefore, the relief requested is necessary in order to proceed. The Petitioners believe that developing the property as proposed will offer a more attractive product to potential homeowners, providing more open space and a better overall layout. The Office of Planning is in agreement with the Petitioners' position, as evidenced by the support expressed in their Zoning Plans Advisory Committee (ZAC) comments dated June 6, 1996. An area variance may be granted where strict application of the

Testimony and evidence offered revealed that the subject property,

known as Section 3 of the Village of Painters Mill, consists of 19.86

zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily

> 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,

> 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

**Baltimore County Government** Zoning Commissioner Office of Planning and Zoning

Suite 112 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

Robert A. Hoffman, Esquire Venable, Baetjer & Howard 210 Allegheny Avenue Towson, Maryland 21204

RE: PETITION FOR VARIANCE SE/S Lakeside Blvd., 350' E of Owings Mills Blvd. N/S of Lyons Mill Rd., approx. 1100' W of Painters Mill Road (Village of Painters Mill, Sec. 3) Lyons Mill Associates Ltd. Part., Continental Realty Investors Corp.,

G.P. - Petitioners

Case No. 96-448-A

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorany party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

FIMOTHY M. KUTRUCU

Deputy Zoning Commissioner for Baltimore County

cc: Mr. John A. Luetkemeyer, Jr., President, Continental Realty Inv. Corp. 17 W. Pennsylvania Avenue, Towson, Md. 21204

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

such use, as proposed, will not be contrary to the spirit of the B.C.Z.R.

it is clear that practical difficulty or unreasonable hardship will result

if the variances are not granted. It has been established that special

circumstances or conditions exist that are peculiar to the land or struc-

ture which is the subject of this variance request and that the require-

ments from which the Petitioner seeks relief will unduly restrict the use

of the land due to the special conditions unique to this particular parcel.

In addition, the relief requested will not cause any injury to the public

health, safety or general welfare and is in strict harmony with the spirit

public hearing on this Petition held, and for the reasons given above, the

Baltimore County this 27 day of June, 1996 that the Petition for

Variance seeking relief from the Baltimore County Zoning Regulations

(B.C.Z.R.) and the Comprehensive Manual of Development Policies (C.M.D.P.)

as follows: 1) from Section 1801.2.C.3 of the B.C.Z.R. and Section V.B.9

of the C.M.D.P., pursuant to Section 504 of the B.C.Z.R., to permit a

distance from side building face to existing public street right-of-way of

as little as 23 feet in lieu of the required 25 feet for Lot 77, if neces-

sary; 2) from Section V.B.6.b of the C.M.D.P., pursuant to Section 504 of

Pursuant to the advertisement, posting of the property, and

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for

and will not result in any injury to the public good.

and intent of the B.C.Z.R.

variance requested should be granted.

It is clear from the testimony that if the variance is granted.

After due consideration of the testimony and evidence presented,

to the Zoning Commissioner of Baltimore County for the property located at Southeast side of Lakeside Boulevard, north of Lyons Mill Road, west of Samuel Owings Drive which is presently zoned DR16

This reducti stail be	breschily Zoned BRIO
filed with the Office of Zoning Administration & De	velopment Management.
hereto and made part of hereof, hereby petition for a \	ate in Baltimore County and which is described in the description and plat attached Variance from Section(s)
See Attached.	

ound by	the zoning regula	tions and res	trictions of Baltimore Count	ty adopted pursuant to the Zoning Law for I	Baltimore County.
				I/We on solemnly declare and affirm, under the legal owner(s) of the property which is the sub-	he penatties of perjury, that I/we are the ect of this Petition.
c <b>(B</b> urch)	aseriLedsee:			Legal Owner(s):	
롲				anger owner(a).	
≓	1 1			Lyons Mill Associates Limited Partn	ership
Office Na	-	<u> </u>		By: Continental Realty Investors Co	orp., General Partner
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2/10	Q	-		Signature	
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多で	<b>~ ]</b>			(Type or Print Name)	
# 7	_ 1				
EN MECE		State	Zipcode	Signature	
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	and the same of th			Address	Phone No.
t A. Hot				Towson	Maryland 21204
Prot Nar	tjer and Howard, L	LP		City	State Zipcode
Mar.	ne) -			Name, Address and phone number of legal own to be contacted.	ner, contract purchaser or representati
	/\H//./			Robert A. Hoffman	
000	_W///			Venable, Baetjer and Howard, LLP	
•				Name	
legheny	Ave.		(410) 494-6200	210 Allegheny Ave, Towson, MD 212	204(410) 494-6200
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n		MD	21204	OFFICE USE	ONLY
		State	Zipcode	SITIOL USE	VIII.
)Ro	P OFF	•	•	ESTIMATED LENGTH OF HEARING	
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Printed with Soybean Ini on Recycled Paper

Messrs. Tom Repsher and Mark Pewsi, Daft-McCune-Walker, Inc. 200 E. Pennsylvania Avenue, Towson, Md. 21286 People's Counsel 5/10/96 acr

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardships or To be determined at hearing Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing this petition, and further agree to and are to

### **Building to Existing Street Right-of-Way**

A. Variance from Section 1B01.2.C.3, BCZR Section V.B.9, CMDP, pursuant to Section 504 BCZR, to allow as little as 23' from side building face to existing public street right-of-way in lieu of required 25' for Lot 75, if necessary.

#### Window to Side Lot Line

B. Variance from Section V.B.6.b, CMDP, pursuant to Section 504 BCZR, to allow as little as 10' from window to lot line in lieu of the required 15' for Lots 6, 7, 12, 13, 26, 31, 32, 38, 43, 44, 51, 56, 57, 63, 64, 69, 70, 75, 76, 81, 82, 87, 88, 92, 93, 99, 104, 105, 110, 111, 118, 124, 125, 129, 130, 134, 135, 141, 142 and 149.

### Window to Window

C. Variance from Section 1B01.2.C.2.b, BCZR and CMDP, Section V.B.6.c, pursuant to Section 504 BCZR, to allow as little as 25' from window to window in lieu of the required 40' for Lots 6, 7, 12, 13, 26, 27, 31, 32, 37, 38, 43, 44, 50, 51, 56, 57, 63, 64, 69, 70, 81, 82, 87, 88, 92, 93, 98, 99, 104, 105, 110, 111, 124, 125, 129, 130, 141 and 142, if necessary.

#### Front Window to Center Line of Street Travel Way

D. Variance from Section V.B.6.d, (1988) CMDP, pursuant to Section 504 BCZR, to allow as little as 11' from front bay window to street right-ofway in lieu of required 13' setback for Lots 19, 31, 45, 50, 58, 63, 92, 112, 117, 119, 124, 129, 134, 136, 141 and 142, if necessary.

#### Window to Street Right-Of-Way

E. Variance from Section V.B.6.a, CMDP, pursuant to Section 504 BCZR, to allow as little as 19' from side window to street right-of-way in lieu of required 25' setback for Lots 18, 19, 75 and 76, if necessary.

F. Variance from Section 1B01.2.C.1 BCZR and CMDP, Section V.B.3, pursuant to Section 504 BCZR, to allow as little as 25' between building to building in lieu of required 30' for heights between 25' and 30' for Lots 12, 13, 31, 32, 37, 38, 43, 44, 50, 51, 56, 57, 63, 64, 69, 70, 81, 82, 87, 88, 92, 93, 110, 111, 129, 130, 141 and 142.

#### TO1DOCS1/BAW01/0023594.01

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Reguta-tions of Baltimore County will

Case: #96-448-A
(Item 449)
Village of Painters Mill,
Section 3
SE/S Lakeside Boulevard, 350
E of Owings Mills Boulevard
also N/S Lyons Mill Road, approximately 1100' W of Painters Mill Road
2nd Election District
3nd Councilmanic
Legal Owner(s):
Lyons Mill Associates Limited
Partnership
Variance: to allow as little as
23 feet from side building face
to existing public street rightof-way in lieu of required 25
feet for Lot 75, if necessary, to

feet for Lot 75, if necessary, to allow as little as 10 feet from

142, and 149; to allow as little as 25 feet from window to

necessary, to allow as little as

to street right-of-way in tieu of

ssary, and to allow as little as

essay, and to anow as tobal as 25 feet between building to building in lieu of required 30 feet for heights between 25 feet and 30 feet for Lots 12, -13, 31, 32, 37, 38, 44, 50, 51, 56, 57, 63, 64, 69, 70, 81, 82, 87, 88, 92, 93, 110, 111, 129, 130, 141, and 142.

ANOTES: (1) Hearings a Handicapped Accessible, (c. Special accommodation Please Call 887-3353.

[2] For information concerning the File and/or Hearing, Please Call 887-3351.

96-448-A To Accompany Petition for Zoning Variance

85020.W

18.847 Acre Parcel

Village of Painters Mill, Section 3

### Northwest Side of Samuel Owings Drive Second Election District, Baltimore County, Maryland

## DMW

Daft-MCune-Walker, Inc. 200 Esta Pennsylvania Avenue Touson, Marylana 21286 Fax 296 4705

> A Team of Land Planner Landscape Architects. Engineers, Surveyors C

Beginning for the same on the northwest side of Samuel Owings Drive, 60 feet wide, at the end of the second of the two following courses and distances measured from the point formed by the intersection of the centerline of Samuel Owings Drive with the centerline of Lyons Mill Road (1) Northeasterly along said centerline of Samuel Owings Drive 361 feet, more or less, and thence (2) Northwesterly 30 feet, more or less, to the point of beginning, thence leaving said point of beginning and running the sixteen following courses and distances, viz: (1) South 87 degrees 02 minutes 00 seconds West 288.33 feet, thence (2) South 31 degrees 57 minutes 58 seconds West 84.31 feet, thence (3) South 87 degrees 13 minutes 28 seconds West 299.86 feet, thence (4) North 02 degrees 40 minutes 52 seconds West 244.23 feet, thence (5) North 87 degrees 02 minutes 00 seconds East 257.14 feet, thence (6) Northeasterly by a line curving to the left with a radius of 98.00 feet for a distance of 40.29 feet (the arc of said curve being subtended by a chord bearing North 75 degrees 15 minutes 18 seconds East 40.01 feet and having a beginning tangent bearing of North 87 degrees 02 minutes 00 seconds East and a departing tangent bearing of North 63 degrees 28 minutes 37 seconds East), thence (7) Northeasterly by a line curving to the right with a

Page 1 of 3

radius of 142.00 feet for a distance of 54.80 feet (the arc of said curve being

96-448-A

subtended by a chord bearing North 74 degrees 31 minutes 59 seconds East 54.46 feet and having a beginning tangent bearing of North 63 degrees 28 minutes 37 seconds East and a departing tangent bearing of North 85 degrees 35 minutes 20 seconds East), thence (8) North 42 degrees 02 minutes 00 seconds East 14.21 feet thence (9) North 02 degrees 58 minutes 00 seconds West 11.77 feet, thence (10) South 87 degrees 02 minutes 00 seconds West 88.00 feet, thence (11) North 02 degrees 58 minutes 00 seconds West 216.75 feet, thence (12) North 75 degrees 05 minutes 30 seconds West 85.06 feet, thence (13) South 62 degrees 40 minutes 00 seconds West 46.00 feet, thence (14) South 77 degrees 20 minutes 00 seconds West 31.00 feet, thence (15) South 84 degrees 24 minutes 28 seconds West 116.96 feet, and thence (16) North 02 degrees 40 minutes 52 seconds West 573.30 feet to the south side of Lakeside Boulevard, 80 feet wide, thence running with and binding on said south side of Lakeside Boulevard (17) Northeasterly by a line curving to the left with a radius of 710.00 feet for a distance of 224.86 feet (the arc of said curve being subtended by a chord bearing North 75 degrees 30 minutes 43 seconds East 223.93 feet and having a beginning tangent bearing of North 84 degrees 35 minutes 06 seconds East and a departing tangent bearing of North 66 degrees 26 minutes 19 seconds East), thence leaving said south side of Lakeside Boulevard and running the eleven following courses and distances, viz: (18) South 06 degrees 48 minutes 34 seconds East 24.82 feet, thence (19) South 16 degrees 10 minutes 00 seconds East 19.00 feet, thence (20) South 27 degrees 40 minutes 00 seconds East 65.00 feet, thence (21) South 13 degrees 40 minutes 00 seconds East 31.00 feet, thence (22) South 08 degrees 20 minutes 00 seconds East 104.00 feet, thence (23) South 04 degrees 10 minutes 00 seconds West 26.00 feet, thence (24) South 16 degrees 13 minutes 41 seconds West 57.37 feet, thence (25)

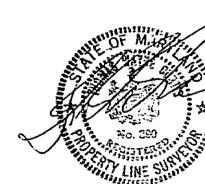
Page 2 of 3

96-448-A

North 52 degrees 41 minutes 51 seconds East 349.22 feet, thence (26) South 38 degrees 31 minutes 00 seconds East 37.51 feet, thence (27) North 52 degrees 41 minutes 51 seconds East 226.26 feet, thence (28) South 43 degrees 55 minutes 35 seconds East 670.70 feet to the said northwest side of Samuel Owings Drive, thence running with and binding on said northwest side of Samuel Owings Drive, the three following courses and distances, viz: (29) South 49 degrees 00 minutes 15 seconds West 440.86 feet, thence (30) Southwesterly by a line curving to the left with a radius of 730.00 feet for a distance of 299.46 feet (the arc of said curve being subtended by a chord bearing South 37 degrees 15 minutes 08 seconds West 297.37 feet and having a beginning tangent bearing of South 49 degrees 00 minutes 15 seconds West and a departing tangent bearing of South 25 degrees 30 minutes 00 seconds West, thence (31) Southwesterly by a line curving to the left with a radius of 732.00 feet for a distance of 25.00 feet (the arc of said curve being subtended by a chord bearing South 26 degrees 20 minutes 47 seconds West 25.00 feet and having a beginning tangent bearing of South 27 degrees 19 minutes 29 seconds West and a departing tangent bearing of South 25 degrees 22 minutes 05 seconds West) to the point of beginning; containing 18.847 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE. April 29, 1996

Project No. 85020.W



Page 3 of 3

## CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of \_\_\_\_ successive weeks, the first publication appearing on May 23 1996

THE JEFFERSONIAN.

	ZONING DEPARTMEN	NT OF BALTIMORE COUNTY 91-448- H
	Tau	reen, Maryland
District 2nd		Date of Posting 5/3/96
Posted for:	one Mill desacity	him tod Portmushins
etitioner:	SELS Lokevide K	Jud.
"OCSTION OF DEODER'S		

BALTIMORE UNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT DROP-OFF NO REVIEW ITEM #449 \$650.00 (WCR) RECEIVED Venable. Baetjer & Howard/Continental Realty #070 - MAXIMUM FEE (MULTI VAR) Village of Painters Mill 01A00#0127#ICHRC BA 0009:144805-14-95 BALTIMORE UNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT DATE\_\_\_\_\_5/14/96 001-6150 79.30 (WCR) Venable, Baetjer & Boward #080 - ISNG POSTING 2 Signs 03A91#0070MICHRC 8A C011:29AH05-14-96

TO: PUTUXENT PUBLISHING COMPANY May 23, 1996 Issue - Jeffersonian

Barbara Ormord Venable, Baetjer and Howard, LLP 210 Allegheny Avenue

Towson, MD 21204

Please foward billing to:

### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 2:204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-448-A (Item 449) Village of Painters Mill, Section 3 SE/S Lakeside Boulevard, 350' E of Owings Mills Eoulevard; also N/S Lyons Mill Road, approximately 1100' W of Painters Mill Road 2nd Election District - 3rd Councilmanic

Variance to allow as little as 23 feet from side building face to existing public street right-of-way in lieu of required 25 feet for Lot 75, if necessary; to allow as little as 10 feet from window to lot line in lieu of required 15 feet for Lots 6, 7, 12, 13, 26, 31, 38, 43, 44, 51, 56, 57, 63, 64, 69, 70, 75, 76, 81, 82, 87, 88, 92, 93, 99, 104, 105, 110, 111, 118, 124, 125, 129, 130, 134, 135, 141, 142, and 149; to allow as little as 25 feet from window to window in lieu of the required 40 feet for Lots 6, 7, 12, 13, 26, 27, 31, 32, 37, 38, 43, 44, 50, 51, 56, 57, 63, 64, 69, 70, 81, 82, 87, 88, 92, 93, 98, 99, 104, 105, 110, 111, 124, 125, 129, 130, 141, and 142, if necessary, to allow as little as II feet from front bay window to street right-of-way in lieu of required 13 foot setback for Lots 19, 31, 45, 50, 58, 63, 92, 112, 117, 119, 124, 129, 134, 136, 141, and 142, if necessary; to allow as little as 19 feet from side window to street right-of-way in lieu of required 25 foot setback for Lots 18, 19, 75 and 76, if necessary; and to allow as little as 25 feet between building to building in lieu of required 30 feet for heights between 25 feet and 30 feet for Lots 12, 13, 31, 32, 37, 38, 43, 44, 50, 51, 56, 57, 63, 64, 69,

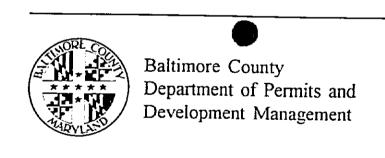
HEARING: WEDNESDAY, JUNE 19, 1996 at 10:00 a.m. in Room 118, Old Courthouse.

70, 81, 82, 87, 88, 92, 93, 110, 111, 129, 130, 141 and 142.

Legal Owner(s): Lyons Mill Associates Limited Partnership

#### LAMRENCE E. SCHMIDT ZONTING CONSCISSIONEE FOR BALTIMORE COUNTY

HOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE: FOR SPECIAL ACCOMPODATIONS PLEASE CALL 887-3353. (2) FOR IMPORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



**Development Processing** County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-448-A (Item 449) Village of Painters Mill, Section 3

SE/S Lakeside Boulevard, 350° E of Owings Mills Boulevard; also N/S Lyons Mill Road, approximately 1100° W of Painters Hill Road 2nd Election District - 3rd Councilmanic

Legal Owner(s): Lyons Mill Associates Limited Partnership

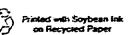
Variance to allow as little as 23 feet from side building face to existing public street right-of-way in lieu of required 25 feet for Lot 75, if necessary; to allow as little as 10 feet from window to lot line in lieu of required 15 feet for Lots 6, 7, 12, 13, 26, 31, 38, 43, 44, 51, 56, 57, 63, 64, 69, 70, 75, 76, 81, 82, 87, 88, 92, 93, 99, 104, 105, 110, 111, 118, 124, 125, 129, 130, 134, 135, 141, 142, and 149; to allow as little as 25 feet from window to window in lieu of the required 40 feet for Lots 6, 7, 12, 13, 26, 27, 31, 32, 37, 38, 43, 44, 50, 51, 56, 57, 63, 64, 69, 70, 81, 82, 87, 88, 92, 93, 98, 99, 104, 105, 110, 111, 124, 125, 129, 130, 141, and 142, if necessary, to allow as little as 11 feet from front bay window to street right-of-way in lieu of required 13 foot setback for Lots 19, 31, 45, 50, 58, 63, 92, 112, 117, 119, 124, 129, 134, 136, 141, and 142, if necessary; to allow as little as 19 feet from side window to street right-of-way in lieu of required 25 foot setback for Lots 18, 19, 75 and 76, if necessary; and to allow as little as 25 feet between building to building in lieu of required 30 feet for heights between 25 feet and 30 feet for Lots 12, 13, 31, 32, 37, 38, 43, 44, 50, 51, 56, 57, 63, 64, 69, 70, 81, 82, 87, 88, 92, 93, 110, 111, 129, 130, 141 and 142.

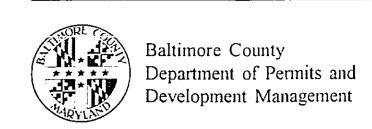
HEARING: WELLNESDAY, JUNE 19, 1996 at 10:00 a.m. in Room 118, Old Courthouse.

cc: Lyons Mill Associates Limited Partnership

Robert A. Hoffman, Esq.

MOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE. (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (3) FOR IMPORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.





Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

June 12, 1996

Robert A. Hoffman, Esquire 210 Allegheny Avenue Towson, MD 21204

> RE: Item No.: 449 Case No.: 96-448-A Petitioner: John Luetkemeyer, Jr.

Dear Mr. Hofiman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on May 10, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

It you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Ruslyn Eubanks in the zoning office (887-3391).

W. Carl Richards, Jr. Zoning Supervisor

Printed with Soybean Ink ---- on Recycled Paper

Attachment(s)

# BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: June 6, 1996 TO: Arnold Jablon, Director, Department of Permits and

Development Management FROM: Arnold F. "Pat" Keller, III, Director, Office of Planning

SUBJECT: Village of Painters Mill

INFORMATION:

Petitioner:

Lyons Mill Associates Limited Partner 18.847 acres

Property Size: Zoning:

Requested Action: Rearing Date:

SUMMARY OF RECOMMENDATIONS: This petitioner is requesting a variance to building to existing street right-ofway, window to side of lot line, window to window, front window to center line of street travel way, window to street right-of-way, and building to building.

The Office of Planning recommends APPROVAL of the petitioner's request for the variance for window to side lot line, window to window, front window to center line of street travel way, and window to right-of-way. The provision of windows or doors on the sides of the buildings will be an improvement over the blank walls that would otherwise be provided.

PK/JL: EMcD

BALTIMORE COUNTY, MARYLAND

DATE: May 28, 1996

INTEROFFICE CORRESPONDENCE

Arnold Jablon, Director Department of Permits & Development Management

Robert W. Bowling, P.E., Chief Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting for May 28, 1996 Item Nos. 437, 440, 442, 444, 445, 446, 448 & 449

The Development Plans Review Division has reviewed the subject zoning items, and we have no comments.

RWB: HJO: jrb

cc: File

Baltimore County Government Fire Department

700 East Joppa Road Towson, MD 21286-5500 Office of the Fire Marshal (410) 887-4880

DATE: 05/20/96

Arnold Jablon Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204

RE: Property Owner: LYONS MILL ASSOCIATES LIMITED PARTNERSHIP

Location: E/S WARDS CHAPEL RD., 0.5 MILES S OF LIBERTY RD. (4214 WARDS CHAPEL ROAD)

Item No.: 449 Zoning Agenda: VARIANCE

Gentlemen:

MAIL STOP-1105

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at proper intervals, along an approved road in accordance with Baltimore County Standard Design Manual Sec. 2.4.4 Fire Hydrants, as published by the Department of Public Works.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code". 1991 edition prior to occupancy.

REVIEWER: LT. ROBERT F. SAUERWALD Fire Marshal Office. PHONE 887-4881, MS-1102F

State Highway Administration

David L. Winstead Secretary Hal Kassoff Administrator

RE: Baltimore County Item No. 449 (1001)

Ms. Joyce Watson Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions.

Thank you for the opportunity to review this item.

Ronald Burns, Chief Engineering Access Permits

My telephone number is \_\_\_\_\_\_ Maryland Relay Service for Impaired Hearing or Speech 1-800-735-2258 Statewide Toll Free Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Baltimore County Department of Permits and Development Management

Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

May 23, 1996

Robert A. Hoffman, Esquire Venable, Baetier, & Howard 210 Allegheny Avenue Towson, MD 21204

> RE: Preliminary Petition Review (Item #449) Village of Painters Mill. Section 3 2nd Election District

Dear Mr. Hoffman:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements had been addressed. A subsequent review by the staff has revealed no incomplete filing information. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

> Very truly yours. White and the Catherine A. Milton Planner! Zoning Review

CAM:sci Enclosure (receipt) c: Zoning Commissioner

Printed with Soybean Ink on Hecycled Paper

RE: PETITION FOR VARIANCE Village of Painters Mill - Section 3, SE/S Lakeside Blvd, 350' E of Owings Mills Blvd; also N/S Lyons Mill Road, appx. 1100' W of Painters Mill Road, 2nd

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Election District, 3rd Councilmanic

Lyons Mill Associates Limited Partnership Petitioners

ENTRY OF APPEARANCE

\* \* \* \* \* \* \* \* \* \* \* \*

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

> Title Jules Terrensenen
> PETER MAX ZIMMERMAN People's Counsel for Baltimore County (Louise S. Ezmaia

CARCLE S. DEMILIO Deputy People's Counsel Room 47, Courthouse 400 Washington Avenue Towson, MD 21284 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17 day of June, 1996, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esquire, Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioners.

ter Max Tennieman

BAETJFR AND HOWARD, LLP refersional corporations

Post Office Box 5517 Towson, Maryland 21285-5517 (410)494-620C, Fax (410) 821-0147 MARYLAND WASSINGTON DC Minney Committee

Robert A. Hoffman (410) 494-6262

October 15, 1996

Via Hand Delivery

Timothy M. Kotroco Deputy Zoning Commissioner for Baltimore County Suite 112. Courthouse 400 Washington Avenue Towson, Maryland 21204

Re: Village of Painters Mill, Section 3

Dear Tim:

This firm represents Lyons Mills Associates Limited Partnership, legal owner of the above-referenced property. The Final Development Plan ("FDP") for the subject property known as Section 3 of the Village of Painters Mills indicates that "single family. townhouse, and or apartment condo residences with accessory parking are permitted uses at this site". The property owner proposes to develop 149 townhouse units on the site and the necessary variances were granted in Case No. 96-448-A by the Findings of Fact and Conclusions of Law dated June 27, 1996.

In the processing of the building permits. Mitch Kellman of the Zoning Office informed us that a special hearing may be necessary to amend the FDP to reflect the development of the townhouse units. We disagree that any amendment is necessary in light of the above referenced FDP language. Alternatively, Mr. Kellman agreed that the FDP may be amended if you found that the "amendment" is within the spirit and intent of the Variance case. Clearly, if we had known that a special hearing to amend the FDP was required, we would have requested it at the time of the Variance case by adding the simple language "and to amend the FDP" to the Variance Petitions. Accordingly, we believe that it is within the spirit and intent of the Findings of Fact and Conclusions of Law rendered in Variance Case No. 96-448-A to allow an amendment to the Final Development Plan without an additional hearing.

